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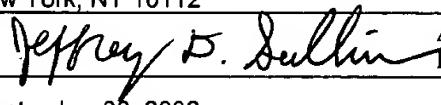
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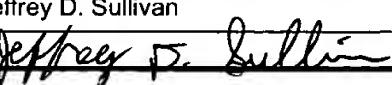
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/912,791
		Filing Date	July 25, 2002
		First Named Inventor	WONG
		Group Art Unit	UNASSIGNED
		Examiner Name	UNASSIGNED
Total Number of Pages in This Submission	6	Attorney Docket Number	RE34509 067735.0106

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): FORMAL REQUEST FOR INTERFERENCE
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Att Name: Jeffrey D. Sullivan PTO Reg: 43,170
Date	September 30, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>September 30, 2002</u>	
Typed or printed name	Jeffrey D. Sullivan
Signature	
Date	September 30, 2002



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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT **(\$)** **0**

Complete if Known	
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METHOD OF PAYMENT			FEE CALCULATION (continued)																																																																																																																																								
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number 02-4377</p> <p>Deposit Account Name Baker Botts LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>			<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>920*</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1,840*</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>400</td> <td>200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>920</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1,440</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1,960</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>320</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>320</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>280</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1,510</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1,280</td> <td>640</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1,280</td> <td>640</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>460</td> <td>230</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>620</td> <td>310</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>50</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>40</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>740</td> <td>370</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>740</td> <td>370</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>740</td> <td>370</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>900</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="3">Other fee (specify) _____</td> <td colspan="3"></td> </tr> <tr> <td colspan="3">*or number previously paid, if greater; For Reissues, see above</td> <td colspan="3">SUBTOTAL (3) (\$) 0</td> </tr> <tr> <td colspan="6">*Reduced by Basic Filing Fee Paid</td> </tr> </tbody> </table>			Large Entity	Small Entity	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	For filing a request for ex parte reexamination		920*	920*	Requesting publication of SIR prior to Examiner action		1,840*	1,840*	Requesting publication of SIR after Examiner action		110	55	Extension for reply within first month		400	200	Extension for reply within second month		920	460	Extension for reply within third month		1,440	720	Extension for reply within fourth month		1,960	980	Extension for reply within fifth month		320	160	Notice of Appeal		320	160	Filing a brief in support of an appeal		280	140	Request for oral hearing		1,510	1,510	Petition to institute a public use proceeding		110	55	Petition to revive - unavoidable		1,280	640	Petition to revive - unintentional		1,280	640	Utility issue fee (or reissue)		460	230	Design issue fee		620	310	Plant issue fee		130	130	Petitions to the Commissioner		50	50	Processing fee under 37 CFR 1.17(q)		180	180	Submission of Information Disclosure Stmt		40	40	Recording each patent assignment per property (times number of properties)		740	370	Filing a submission after final rejection (37 CFR § 1.129(a))		740	370	For each additional invention to be examined (37 CFR § 1.129(b))		740	370	Request for Continued Examination (RCE)		900	900	Request for expedited examination of a design application		Other fee (specify) _____						*or number previously paid, if greater; For Reissues, see above			SUBTOTAL (3) (\$) 0			*Reduced by Basic Filing Fee Paid					
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SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Jeffrey D. Sullivan	Registration No. (Attorney/Agent)	43,170	Telephone (212) 408-2589
Signature	<i>Jeffrey D. Sullivan</i>	Date	September 30, 2002	

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BAKER BOTTS LLP

Attorney Docket Number: RE34509 067735.0106

Title: ASSEMBLING STRUCTURE FOR ASSEMBLING A FIT-ON SPECTACLE FRAME
WITH AN ORIGINAL SPECTACLE FRAME

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Use Space Below for Additional Information:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wong

Serial No: 09/912,791

Group Art Unit: unassigned

Filed: July 25, 2002

Examiner: unassigned

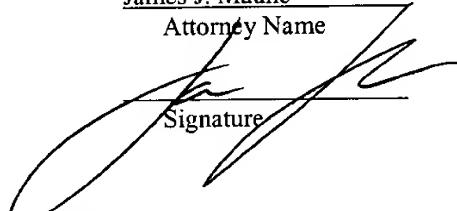
For: ASSEMBLING STRUCTURE FOR ASSEMBLING A FIT-ON SPECTACLE
FRAME WITH AN ORIGINAL SPECTACLE FRAME

FORMAL REQUEST FOR INTERFERENCE

I hereby certify that this paper is being deposited with the United States
Postal Service in an envelope with addressed to: BOX REISSUE
Assistant Commissioner for Patents, Washington, D.C. 20231, on:

September 30, 2002
Date of Deposit

James J. Maune
Attorney Name


Signature

26,946
PTO Reg. No.

September 30, 2002
Date of Signature

BOX REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.607, and to the Reissue Patent Application and Preliminary
Amendment submitted July 25, 2001 by Applicant in the above identified Reissue Application,
the Commissioner is hereby respectfully formally requested to declare that an Interference
should be initiated between the above application and unexpired U.S. Patent 6,092,896 (the
“896 Patent”). Applicant believes that the Reissue Application and Preliminary Amendment
herein, which recite the copying by Applicant in the Preliminary Amendment of all issued claims
of the ‘896 Patent, have already clearly established the grounds for declaring an Interference, but

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– as Applicant is currently involved in patent litigation with the assignees of the '896 Patent, in which litigation priority to the alleged inventions of the '896 Patent may be an issue – Applicant submits this formal request in order to make further explicit the grounds for Interference herein.

Applicant proposed that the Interference include one Count as follows:

An eyeglass device comprising:

a first frame including two retaining mechanisms for supporting a pair of lenses, and defining a frontal plane,

a bridge connecting the two retaining mechanisms and holding the two retaining mechanisms together, and

a magnetic member at the bridge for magnetically coupling to another magnetic member at the bridge of a second frame;

wherein:

the bridge of the first frame includes a cavity to receive a protrusion at the bridge of the second frame so as to further secure the attachment of the two frames when coupled; and

when the two frames are secured together, due to the locations of the magnetic members, one of the frames is restricted from moving downwards relative to the other frame.

The proposed Count corresponds exactly to Claim 1 of U.S. Patent 6,092,896 and corresponds substantially to claims 2 to 22 of that patent.

The proposed Count corresponds exactly to Claim 3 of the Application and corresponds substantially to claims 1, 2 and 4 to 21 of the Application.

Applicant copied Claims 3 to 21 from U.S. Patent 6,092,896 in a preliminary Amendment filed concurrently with this Reissue Application. These claims are identical to Claims 1-6, 8, 9, 11 and 13 to 22 of U.S. Patent 6,092,896. In the preliminary Amendment Applicant applied the claim language to the Specification of this Application.

The requirements of 35 U.S.C. § 135 (b) are met since the claims copied from U.S. Patent 6,092,896 were presented July 25, 2001, within one year of the issue date of U.S. Patent 6,092,896 on July 25, 2000.

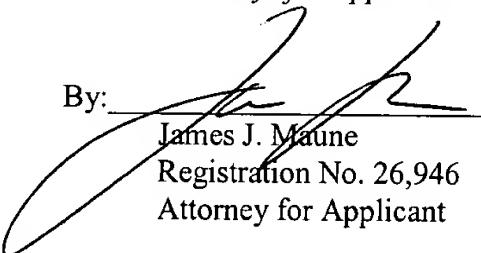
Applicant expects to present and document for the Interference sufficient corroborative evidence as to the priority of his invention, including but not limited to a Declaration under 37 C.F.R. § 1.608 (b).

Accordingly, the prompt declaration of an Interference is respectfully submitted to be in order, and is earnestly requested.

September 30, 2001

Dated

Respectfully submitted,
BAKER & BOTTS, L.L.P.
Attorneys for Applicant

By: 

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